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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,465	10/17/2003	Isamu Okabe	TWA92USA	3058
270	7590	11/17/2005		
HOWSON AND HOWSON ONE SPRING HOUSE CORPORATION CENTER BOX 457 321 NORRISTOWN ROAD SPRING HOUSE, PA 19477			EXAMINER CHARLES, MARCUS	
			ART UNIT	PAPER NUMBER
			3682	

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/688,465	Applicant(s) OKABE ET AL.	
	Examiner Marcus Charles	Art Unit 3682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>04-29-04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This the first action relating to serial application 10/688,465 filed 10/17/2003. Claims 1-4 are current pending.

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

2. The examiner has accepted the drawing filed with this application as formal drawing.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claims 1-4, the term "type" is indefinite because it was unclear what "type" is intended to convey. See MPEM 2172.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 1 and 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP (55-40349) in view of Suzuki et al. (6,234,928) and Serino et al. (4,268,309). JP (55-40349) discloses a pawl (12) that is made of sintered alloy but fails to disclose the density of the alloy and the pawl in combination with a tensioner. Suzuki et al. discloses a ratchet tensioner comprising a housing (7) having a plunger (8) slidable in and protruding from in a direction from the housing via a spring; a ratchet mechanism comprising a rack (T) formed on the side surface of the plunger; a pawl (16) provided on the housing and engageable with the rack thus preventing return movement of the plunger. Suzuki et al. fails to disclose the pawl is made from sintered alloy. Therefore, it would have been obvious to one of ordinary skill in the art to modify the pawl of JP (55-40349) so that it can replace the pawl of Suzuki et al. in order to reduce the weight and manufacturing cost of the combined system. In addition, Serino et al. discloses a sintered alloy having a density of not more than 7.3 g/cm^3 (within the lower range of the claimed invention of at least 7.3 g/cm^3) and composed of 0-3% molybdenum and iron impurities, which are within the specified range of the claimed invention. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the sintered alloy pawl JP (55-40349) of to include the limitation as taught by Serino et al. to improve wear resistance, corrosion and pitting.

7. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP (55-40349) in view of Suzuki et al. and Serino et al. as applied to claim 1 above, and further in view of WO (97/01651). JP (55-40349) in view of Suzuki et al. and Serino et al. do not disclose the method of forming the sintered alloy. However, the method of forming

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the device is not germane to the issue of patentability of the device itself. Therefore, this limitation has not been given patentable weight. See MPEM 2113. In re Brown, 459 F.2d 531, 535, 173 USPQ 685, 688 (CCPA 1972).


Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ishijima et al. (5,545,487), JP (2001-348654), JP (2001-81505), Takahasi et al. (5,489,324) and JP (08-218104 discloses a sintered alloyed material.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcus Charles whose telephone number is (571) 272-7101. The examiner can normally be reached on Monday-Thursday 7:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ridley Richard can be reached on (571) 272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


MARCUS CHARLES
PRIMARY EXAMINER
AU: 3682
November 14, 2005